

Feb 07, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LOUIE W. CHARLES,

Plaintiff,

v.

YAKIMA COUNTY SHERIFF'S
OFFICE, SHERIFF UDELL, YAKIMA
COUNTY and, STATE OF
WASHINGTON,

Defendants.

1:19-cv-03211-SAB

**ORDER DISMISSING
COMPLAINT**

By Order filed November 5, 2019, the Court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. ECF No. 7. Plaintiff, a pretrial detainee at the Yakima County Jail, is proceeding *pro se* and *in forma pauperis*; Defendants have not been served.

In the Order, the Court found that Plaintiff's allegations were insufficient to state a claim upon which relief may be granted. *Id.* Although given the opportunity to do so, Plaintiff did not amend his complaint to state a viable claim for relief.

For the reasons set forth above and in the Court's Order to Amend or Voluntarily Dismiss Complaint, ECF No. 7, **IT IS ORDERED** that the Complaint,

1 ECF No. 1, is **DISMISSED** for failure to state a claim upon which relief may be
2 granted. 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1). However, the Complaint is
3 dismissed **without prejudice** insofar as Plaintiff is seeking appropriate state and
4 federal habeas remedies concerning the fact or duration of his confinement.

5 Under *Washington v. L.A. Cty. Sheriff's Dep't*, 833 F.3d 1048 (9th Cir.
6 2016), this dismissal will **NOT** count as a “strike” pursuant to 28 U.S.C. § 1915(g).
7 The Court certifies that any appeal of this dismissal would not be taken in good
8 faith.

9 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
10 enter judgment, provide copies to Plaintiff at his last known address, and **close the**
11 **file.**

12 **DATED** this 7th day of February 2020.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
United States District Judge